

**THIRD AMENDED RESTRICTIVE COVENANT
FOR ZONING CASE NO. C14-2009-0151(RCA3)**

Owner: Shoal Creek Walk, Ltd., a Texas limited partnership

Owner's Address: 405 North Lamar Boulevard, Suite 200, Austin, Texas 78703

City: The City of Austin, a Texas home-rule municipal corporation situated in the counties of Hays, Travis and Williamson.

City Council: The City Council of the City of Austin

Consideration: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the Owner to the City of Austin, the receipt and sufficiency of which is acknowledged.

WHEREAS, Shoal Creek Walk, Ltd., a Texas limited partnership, as owner of all that certain property described in Zoning File No. C14-2009-0151, consisting of approximately 2.6 acres of land (the "Original Property"), as more particularly described in the restrictive covenant recorded in the Real Property Records of Travis County, Texas, in Document No. 2010083202, and amended in Document Nos. 2013085495 and 2014188351 (collectively the "Restrictive Covenant") imposed certain restrictions and covenants on the Property by the Restrictive Covenant of record.

WHEREAS, the Restrictive Covenant provided that the covenant could be modified, amended, or terminated by joint action of both (a) a majority of the members of the City Council, and (b) the Owner of the Original Property at the time of such modification, amendment or termination.

WHEREAS, Shoal Creek Walk, Ltd., a Texas limited partnership is the current owner (the "Owner") of the Original Property on the date of this Third Amended Restrictive Covenant (the "Third Amendment") and desires to amend the Restrictive Covenant as to the Original Property.

WHEREAS, the City Council and the Owner agree the Restrictive Covenant should be amended.

NOW, THEREFORE, for and in consideration of the premises and mutual promises, covenants, and agreement hereinafter set forth, the City of Austin and the Owner agree as follows:

1. Paragraph 3(B)(2), of the Restrictive Covenant is deleted in its entirety and replaced as follows:

3(B)(2)The project will include in the second phase: an approved water quality pond that treats approximately 100 percent of the site; and Owner will provide approximately \$150,000 in funds to the Shoal Creek Conservancy to install lighting and restore the parapets at the 1887 West 6th Street Bridge over Shoal Creek.

2. Except as expressly provided for in this Third Amendment, each and every one of the terms, conditions, and provisions of the Restrictive Covenant shall continue in full force and effect on and after the effective date of this Third Amendment.
3. The City Manager, or his designee, shall execute on behalf of the City, this Third Amendment as authorized by the City Council of the City of Austin. The Third Amendment shall be filed in the Real Property Records of Travis County, Texas.

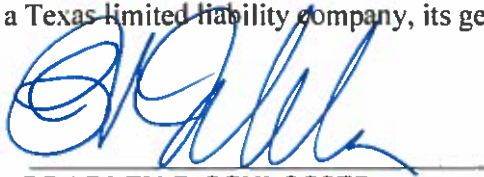
EXECUTED to be effective the _____ day of _____ 2021.

OWNER:

SHOAL CREEK WALK, LTD., a Texas limited partnership

By: **SHOAL CREEK WALK GP, L.L.C.,**
a Texas limited liability company, its general partner

By:



BRADLEY F. SCHLOSSER
Manager

CITY OF AUSTIN:

By:

J. Rodney Gonzales
Assistant City Manager
City of Austin

THE STATE OF TEXAS

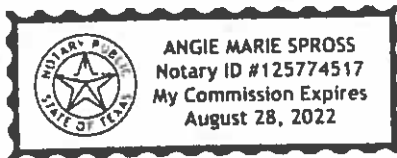
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COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the 1 day of March 2021, by Bradley F. Schlosser, Manager, of Shoal Creek Walk GP, L.L.C., a Texas limited liability company, general partner of Shoal Creek Walk, Ltd., a Texas limited partnership, on behalf of the limited partnership.



Angie Marie Spross

Notary Public, State of Texas

THE STATE OF TEXAS

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COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the _____ day of _____, 2021, by J. Rodney Gonzales, as Assistant City Manager of the City of Austin, a municipal corporation, on behalf of said municipal corporation.

Notary Public, State of Texas

APPROVED AS TO FORM:

Name: _____
Assistant City Attorney
City of Austin

After Recording, Please Return to:
City of Austin
Law Department
P. O. Box 1088
Austin, Texas 78767
Attention: C. Curtis, Paralegal